

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

**FILED**

DEC 21 2016

Clerk, U.S. District Court  
District Of Montana  
Helena

UNITED STATES OF AMERICA,

CR 12-27-GF-SEH

Plaintiff,

ORDER

vs.

TRACER KAUGHN CHO VANAK,

Defendant.

On December 5, 2016, Defendant filed a document with the clerk of the court denominated as a "Motion for Reconsideration Pursuant to 18 U.S.C. § 3582(c)(2)."<sup>1</sup> Defendant purports to act *pro se*.

On June 8, 2016, Jason T. Holden, Esq. filed his Notice of Appearance as counsel for Defendant.<sup>2</sup> This Court neither accepts nor considers *ex parte* communications in any form. All matters directed to the Court are to be filed with the Clerk by counsel admitted to practice before this Court and served upon all parties.

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<sup>1</sup> Doc. 178.

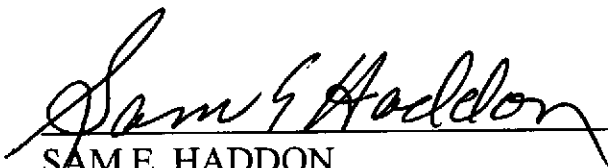
<sup>2</sup> Doc. 158.

On August 1, 2016, counsel for Defendant, Jason T. Holden, Esq., filed a Notice of Appeal “from the Order entered on August 1, 2016, in which such Order denied the relief of Mr. Chovanak’s Motion pursuant to 18 U.S.C. § 3582(C)(2) and the U.S. Sentencing Commission’s 782 Amendment.”<sup>3</sup>

The reconsideration Defendant seeks is of the Court’s Order<sup>4</sup> which is the subject of Defendant’s pending appeal with the Ninth Circuit Court of Appeals.

Notwithstanding that the Court will not accept filings from persons purporting to act *pro se* when they have appointed counsel, the Court is without jurisdiction to act on the motion while the matter is on appeal.

DATED this 21<sup>st</sup> day of December, 2016.

  
SAM E. HADDON  
United States District Judge

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<sup>3</sup> Doc. 165 at 1.

<sup>4</sup> Doc. 162.